

MR. JEFFREY ALONZO SIMMS #198625

CIVIL ACTION CASE NO: 04-1205slr

(PLAINTIFF)

PLEASE FILED

VS.

MAY 1-2006

(DEFENDANTS)

ATTORNEY MR. PAUL K. DURSTEIN III (DEPARTMENT OF JUSTICE)
ATTORNEYS FOR THE DEFENDANTS;

ATTORNEY GENERAL; MR. CAPT. DAN BURCE

AND DOCTOR DONNA BURNS DEPARTMENT OF CORRECTION
OF THE STATE OF DELAWARE

AND ASSOCIATE AND FORMER STATE POLICE OF DELAWARE

COMMANDER AND CHIEF COL. L. AARON CHAFFINCH

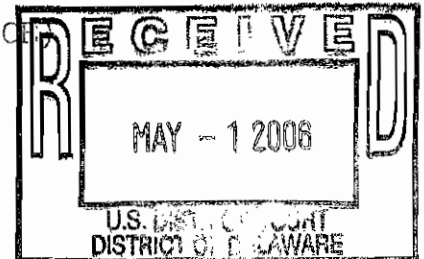
AND LT. COL. THOMAS F. MACLEISH AND

MAJOR R.L. HUGHES OF THE DELAWARE STATES POLICE

MR. HARRY M. FREEMAN M.D. SURGEON ORTHOPEDIC

808 MIDDLEFORD ROAD SEAFORD DELAWARE 19973

PHONE NUMBER 302-629-5501



PETITION
FAIRNESS HEARING

1. A) PLEASE BE ADVISED TO: THE HONORABLE JUDGE SUE L. ROBINSON
AND THE U.S.D.C. CLERK MR. PETER T. DALLEO:
UNITED STATES DISTRICT COURT LOCK BOX 18 844
KING STREET WILMINGTON DELAWARE 19801-3570

2. B) PLEASE REVIEW THE RECORDS IN THE SUBJECT MATTER:
DATED APRIL 11-2006,
SINCERELY,

PETITIONER

MR. JEFFREY ALONZO SIMMS #198625
DELAWARE CORRECTIONAL CENTER
1181 RADDOCK ROAD
SMYRNA DELAWARE 19977

MR. JEFFREY ALONZO SIMMS
(PLAINTIFF)

VS
(DEFENDANTS)

ATTORNEYS FOR THE DEFENDANTS :

AND CO- COUNSEL

ATTORNEY GENERAL MR. CARL DAN BURGE
OF THE STATE OF DELAWARE:

MR. HARRY M. FREEMAN M.D. SURGERY ORTHOPEDIC
SEAFORD DELAWARE: AND CIVIL ACTION CASE;
CO- EXIST MS. DONNA BURS DEPARTMENT OF CORRECTIONS
STATE OF DELAWARE.

AND ASSOCIATE AND FORMER STATE POLICE OF DELAWARE
COMMANDER AND CHIEF COL. L. AARON CHAFFINCH
AND LT. COL. THOMAS F. MACLEISH AND
MAJOR P.L. HUCHES OF THE DELAWARE STATE POLICE

CIVIL ACTION CASE:
04-1205-SLR

DATED APRIL 11-2006

§ 968, 1165, 1166.

FAIRNESS HEARING

IN THE ACCORDANCE WITH DUE PROCESS AND JUDICIAL AND
CONSTITUTIONAL LAW OF THE UNITED STATES IN THE ABOVE CAPTION CASE
CIVIL ACTION:

PLEASE BE ADVISED TO THE HONORABLE JUDGE SUE L. ROBINSON:
AND CLERK OF THE COURT MR. PETER T. DALLEO,

MAY IT PLEASE THE COURT THE PLAINTIFF REQUEST A FAIRNESS HEARING
AT THE FOLLOWING LOCATION TO BE HELD BEFORE THE HONORABLE SUE L. ROBINSON
IN MAIN COURT ROOM AT THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
WILMINGTON DELAWARE LOCK BOX 18 844 KING STREET ON APRIL 25, 2006, 10:00am.
(THE "FAIRNESS HEARING"), TO DETERMINE WHETHER THE PROPOSED SETTLEMENT IS FAIR,
ADEQUACY OR ADEQUATE AND REASONABLE AND SHOULD BE APPROVE; AND WHETHER
AN AWARD OF COUNSEL FEES, COST, AND CLAIM UPGRADED JURISDICTIONAL AMOUNT IN
EQUITY, AND RECOVERY OF MORE THAN 75,000, THE PLAINTIFF INITIALLY SEEKS THE
ULTIMATELY RECOVERS THE CLAIMANT HAVE PROVE AMOUNT BY PREPONDERANCE OF EVIDENCE
EVIDENCE INTERVENING THE PLAINTIFF BEARS BURDEN OF ESTABLISHING
SUBJECT MATTER JURISDICTION THE PLAINTIFF IS ACTUALLY ENTITLED TO SUCH A-
MOUNT AND OF RELIEF ON THE MERITS WOULD BE GRANTED WITH FEDERAL JURISDICTION
JURISDICTION IN GOOD FAITH CLAIM.

PETITIONER, MOVANT

MR. JEFFREY ALONZO SIMMS s.b.i. # 198625
DELAWARE CORRECTIONAL CENTER
1481 PADDOCK ROAD
SMYRNA DELAWARE 19977

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF WILMINGTON DELAWARE

CIVIL ACTION NO. 04-1205-
slr

DATED APRIL 11-2006

CERTIFICATE

OF

SERVICE

I, MR. JEFFREY ALONZO SIMMS, HEREBY SENT TRUE COPIES THREW
(ON APRIL 11-2006 FIRST CLASS MAIL)

THE UNITED STATES POSTAL SERVICE AND CONTACTED ALL PARTIES
THREW THE UNITED STATES POSTAL SERVICE IN THE ABOVE CIVIL ACTION CASE
SINCERLEY,

YOU MAY, BUT ARE NOT REQUIRED TO ATTEND THE FAIRNESS HEARING
DEPARTMENT OF JUSTICE

ATTORNEY GENERAL:

MR. CARL DAN BURGE

820 N. FRENCH STREET
WILMINGTON, DELAWARE 19801

SUPERIOR COURT OF SUSSEX COUNTY
HONORABLE JUDGE RICHARD STOKES
P.O. BOX 756
GEORGETOWN, DELAWARE 19947

(CASE NO; 0207014771)

DEPUTY ATTORNEY GENERAL
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MR. MARK D. COLLINS (NO. 2981)
MR. JASON MADRON (NO. 4431)
MR. RICHARDS, LAYTON AN FINGER, P.A.
ONE RODNEY SQUARE
P.O. BOX 551
WILMINGTON, DELAWARE 19899
(302) 651-7700

UNITED STATES DISTRICT COURT
HONORABLE JUDGE SUE L. ROBINSON
MR. PETER T. DALLEO CLERK U.S.D.C.
LOCK BOX 18 844
KING STREET
WILMINGTON DELAWARE 19801-3520
302-573-6170

PETITIONER, MOVANT

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DELAWARE CORRECTIONAL CENTER
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SMITHDALE, DELAWARE 19977
HOME PHONE 302 658-4919

(MS. MARLENE)

MR. Jeffrey A. Simms #198625
Delaware Correctional Center
1181 paddock Road

Dryden, Delaware
19977

United States District Court
of Wilmington Delaware

Honorable Chief Judge Sue L. Robinson
Clerk MR. Peter T. Haller
Lock Box 18 844 King Street

Wilmington, Delaware 19801-3578.

